

*PRELIMINARY DRAFT PHASE II PERMIT FOR EASTERN WASHINGTON*

Permit No. \_\_\_\_\_  
Issuance Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_  
Expiration Date: \_\_\_\_\_

**National Pollutant Discharge Elimination System and  
State Waste Discharge General Permit for Discharges  
from Small Municipal Separate Storm Sewers  
in Eastern Washington**

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
OLYMPIA, WASHINGTON 98504-7600

In compliance with the provisions of  
The State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington  
and  
The Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1251 et seq.

Until this permit expires, is modified, or revoked, Permittees that have properly obtained coverage under this Permit are authorized to discharge to waters of the state in accordance with the special and general conditions which follow.

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David C. Peeler, Manager  
Water Quality Program  
Department of Ecology

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*Notes to reviewers:*

Locations of other information referenced in this preliminary draft Permit are highlighted in blue. Deadlines and submittal dates are highlighted in yellow throughout this preliminary draft Permit.

**SPECIAL CONDITIONS**

**S1. PERMIT COVERAGE AND PERMITTEES**

**A. Geographic area of permit coverage**

This permit is applicable to owners or operators of regulated small municipal separate storm sewer systems (MS4s) located in eastern Washington State, which is bounded on the western side by the Cascade Mountains crest except in Yakima and Klickitat counties which are, in their entireties, included in eastern Washington State.

1. For all Cities required to obtain coverage under this Permit, the requirements of this permit are applicable and shall be implemented throughout the entire incorporated area of the City.
2. For all Counties required to obtain coverage under this Permit, the requirements of this permit are applicable and shall be implemented throughout the urbanized areas and the urban growth areas associated with Cities within the urbanized areas that are under the jurisdictional control of the County.
3. For other entities required to obtain coverage under this Permit, the requirements of this are applicable and shall be implemented throughout the land areas served by and under the effective control of the entity.

**B. Regulated small municipal separate storm sewer systems (MS4s)**

All operators of regulated small municipal separate storm sewer systems (MS4s) are required to apply for and obtain coverage under this Permit or be permitted under a separate individual permit, unless waived or exempted in accordance with condition S1.C.

1. **A small MS4** is a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and/or storm drains which:
  - a. Is owned or operated by a city; town; county; or district, association or other public body created pursuant to State law having jurisdiction over disposal of stormwater, sewage, industrial wastes, or other wastes, including special districts such as a sewer districts, flood control districts or drainage districts, or similar entities;
  - b. Is designed or used for collecting or conveying stormwater;
  - c. Is not a combined sewer system;
  - d. Is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2; and

- 1 e. Is not defined as a “large” or “medium” MS4 pursuant to 40 CFR  
2 122.26(b)(4) & (7) or designated under 40 CFR 122.26 (a)(1)(v).

3 Small MS4s include systems similar to separate storm sewer systems in  
4 municipalities such as: universities, large publicly-owned hospitals, prison  
5 complexes, and highways and other thoroughfares. Storm sewer systems in very  
6 discrete areas such as individual buildings do not require coverage under this  
7 Permit.

8 Small MS4s do not include storm drain systems operated by non-governmental  
9 entities such as: individuals, private schools, private colleges, private universities,  
10 and industrial and commercial entities.

11 2. **A regulated small MS4** is a small MS4 which:

- 12 a. Is located within, or partially located within, an urbanized area as defined by  
13 the latest decennial census conducted by the U.S. Bureau of Census; or is  
14 designated by the Department pursuant to either 40 CFR 122.35 or 40 CFR  
15 122.26(f); and
- 16 b. Discharges stormwater from the MS4 to a surface water of Washington State;  
17 and
- 18 c. Is not eligible for a waiver or exemption under S1.C.1 below.

19 3. All other operators of MS4s, including special purpose districts which meet the  
20 criteria for a regulated small MS4, shall obtain coverage under this Permit. Other  
21 operators of MS4s may include, but are not limited to: flood control, or diking and  
22 drainage districts, schools including universities, correctional facilities, and publicly  
23 owned hospitals which own or operate a small MS4 serving non-agricultural land  
24 uses.

25 4. Any other operators of small MS4s may be required by the Department to obtain  
26 coverage under this Permit or an alternative NPDES permit if the Department  
27 determines the small MS4 is a significant source of pollution to surface waters of  
28 the state. Notification of the Departments determination that permit coverage is  
29 required will be through the issuance of an Administrative Order issued in  
30 accordance with RCW 90.48.

31 5. The owner or operator of a regulated small MS4 may obtain coverage under this  
32 Permit as a Primary Permittee, Co-Permittee, or Secondary Permittee as defined in  
33 S1.D.1 below.

34 C. The owner or operator of an otherwise regulated small MS4 is not required to obtain  
35 coverage under this Permit if:

- 36 1. The small MS4 is operated by:

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- a. The federal government, as on military bases or other federal lands; or by the United States Military, the Bureau of Land Management, the United States Park Service, or other federal agencies; or
- b. Federally recognized Indian Tribes located within Indian Country Lands; or
- c. The Washington State Department of Transportation.

Or,

2. The portions of the small MS4 located within the census-defined urban area(s) serve a total population of less than 1,000 people and a, b, and c below all apply:
    - a. The small MS4 is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES stormwater program; and
    - b. The discharge of pollutants from the small MS4 has not been identified as a cause of impairment of any water body to which the MS4 discharges; and
    - c. In areas where an EPA approved TMDL has been completed, stormwater controls on the MS4 have not been identified as being necessary.
- In determining the total population served, both resident and commuter populations shall be included:
- For publicly operated school complexes including universities and colleges, the total population served would include the sum of the average annual student enrollment plus staff.
  - For publicly operated hospitals the total population served would include the average annual hospital census plus hospital staff.
  - For flood control, diking, and drainage districts the total population served would include residential population and any non-residents regularly employed in the areas served by the small MS4.

D. Obtaining coverage under this Permit

1. Permittees: unless otherwise noted, the term “Permittee” shall include Primary Permittee, Co-Permittee, and Secondary Permittee as defined below:
  - a. A “Primary Permittee” is a City or County owning or operating a regulated small MS4.
  - b. A “Co-Permittee” is any operator of a regulated small MS4 that is applying jointly with another applicant for coverage under this Permit. A Co-Permittee

owns or operates a regulated small MS4 located within or adjacent to another regulated small MS4.

c. A “Secondary Permittee” is an operator of regulated small MS4 that is not a Permittee or Co-Permittee. Secondary Permittees include special purpose districts and other MS4s that meet the criteria for a regulated small MS4 in S1.B above.

2. Operators of regulated small MS4s shall submit an application to the Department by either the *National Pollutant Discharge Elimination System (NPDES) Permit Application for Phase II Municipal Separate Storm Sewer Systems (MS4s)* or the Notice of Intent (NOI) to be covered under this Permit. The NOI will be included in the next revised draft of this Permit. The permit application is available at: [http://www.ecy.wa.gov/programs/wq/stormwater/phase\\_2/index.html#permit](http://www.ecy.wa.gov/programs/wq/stormwater/phase_2/index.html#permit)

a. All Cities and Counties operating regulated small MS4s shall apply either as a Primary Permittee or Co-Permittee with another City or County. All other regulated small MS4s shall apply either as a Secondary Permittee or as a Co-Permittee with a City or County.

b. Operators of regulated small MS4s listed in Appendix 1 do not need to submit a new application to be covered under this Permit. For these operators, coverage under this Permit is automatic and begins on the effective date of this Permit, unless:

i. The operator chooses to reapply.

ii. The operator will be relying on another entity to satisfy one or more of their permit obligations.

iii. The operator chooses be a Co-Permittee.

iv. The operator chooses to opt out of this General Permit. If the operator of a regulated small MS4 listed in Appendix 1 chooses to opt out of this permit they must do so no later than the issuance date of this Permit. Any operator of a regulated small MS4 that chooses to opt out of this Permit must submit an application for an individual MS4 permit in accordance with 40 CFR 122.33(b)(2)(ii).

c. Operators of regulated small MS4s which want to be covered under this Permit as a Co-Permittee shall submit a joint NOI to the Department.

d. Operators of regulated small MS4s which are relying on another entity to satisfy one or more of their permit obligations shall submit an NOI to the Department.

3. Application requirements



- 1 a. Permit applications and NOIs shall be submitted to:

2 Department of Ecology  
3 Water Quality Program  
4 Municipal Stormwater Permit  
5 P.O. Box 47600  
6 Olympia, WA 98504-7600

- 7 b. For NOIs submitted after *(insert the beginning date of the formal public*  
8 *comment period)* the permit applicant shall provide public notice of the  
9 application in accordance with WAC 173-226-130(5). The applicant or co-  
10 applicant shall include, a certification the public notification requirements of  
11 WAC 173-226-130(5) have been satisfied. Unless Ecology responds in  
12 writing, coverage under this Permit will be effective 60 days after receipt of a  
13 complete NOI. A complete NOI shall include certification.

- 14 c. Permittees which are applying as co-applicants shall submit a joint NOI. The  
15 joint NOI shall clearly identify the areas of the MS4 for which each of the co-  
16 applicants are responsible.

- 17 d. Permittees which are relying on another entity or entities to satisfy one or  
18 more of their permit obligations shall include with the NOI a summary of the  
19 permit obligations that will be carried out by another entity. The summary  
20 shall identify the other entity or entities and shall be signed by the other entity  
21 or entities. During the term of the permit, Permittees may terminate or amend  
22 shared responsibility arrangements by notifying the Department, provided this  
23 does not alter implementation deadlines.

- 24 e. Small MS4s designated by the Department pursuant to S1.B.4 of this permit  
25 shall submit a NOI to the Department within 120 days of receiving  
26 notification from the Department that permit coverage is required.

27 **S2. AUTHORIZED DISCHARGES**

- 28 A. This permit authorizes the discharge of stormwater to surface waters and ground waters  
29 of the state from regulated small MS4s permit as follows:

- 30 1. Existing stormwater discharges.
- 31 2. New stormwater discharges constructed after the issuance date of this Permit that  
32 have received all applicable state and local permits and use authorizations,  
33 including compliance with Ch. 43.21C RCW (the State Environmental Policy Act),  
34 and that are in compliance with Special Condition S5.
- 35 3. Stormwater discharges to ground waters of the State, except: stormwater discharges  
36 to ground waters of the State that discharge through facilities regulated under the  
37 Underground Injection Control (UIC) program, Chapter 173-218 WAC, are not  
38 covered under this Permit.

4. Stormwater discharges to ground waters not in hydraulic continuity with surface water are covered by this permit only under state authorities: Chapter 90.48 RCW, the Water Pollution Control Act, and Chapter 173-226 WAC, the Waste Discharge General Permit Program.

B. Discharges of stormwater associated with industrial and construction activities, process wastewater, and non-stormwater discharges from municipal separate storm sewers operated by the Permittee to waters of the state only under the following conditions:

1. Non-stormwater discharges and process wastewater must be authorized by another NPDES permit or identified by and in compliance with the “Illicit Discharge Detection and Elimination” Stormwater Management Program Component as described in this Permit for the particular Permittee (see **S5.B.3** or **S6.C**); or

2. Stormwater associated with industrial activity as defined by 40 CFR 122.26(b)(14) must be authorized by a separate individual or general NPDES permit such as the *Industrial Stormwater General Permit*, *Construction Stormwater General Permit*, or another General Permit or individual permit issued by the Department.

C. This permit authorizes discharges from fire fighting activities, except training exercises, unless the discharges from fire fighting activities are identified as significant sources of pollutants to waters of the State.

D. This permit does not authorize illicit discharges except as allowed in Special Condition S7.D.4., nor does it relieve entities responsible for illicit discharges, including spills of oil or hazardous substances, from responsibilities and liabilities under state and federal laws and regulations pertaining to those discharges.

### **S3. RESPONSIBILITIES OF PERMITTEES**

A. Each Permittee covered under this Permit is responsible for compliance with the terms of this permit for regulated small MS4s which they operate.

1. All Primary Permittees and Co-Permittees are required to comply with all conditions of this permit, including any appendices referenced therein, except for **S6 Stormwater Management Program for Secondary Permittees**.

2. All Secondary Permittees are required to comply with all conditions of this permit, including any appendices referenced therein, except for **S5 Stormwater Management Program for Primary Permittees and Co-Permittees** and **S8.A.3**.

B. Permittees may rely on another entity to satisfy one or more of the requirements of this permit. Permittees that are relying on another entity to satisfy one or more of their permit obligations remain responsible for permit compliance if the other entity fails to implement the permit conditions. Permittees may rely on another entity provided all the requirements of 40 CFR 122.35(a) are satisfied, including but not limited to:

1. The other entity, in fact, implements the permit requirements.

2. The other entity agrees to take on responsibility for implementation of the permit requirement(s).

#### **S4. COMPLIANCE WITH STANDARDS**

- A. This permit does not authorize a violation of Washington State surface water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC), sediment management standards (Chapter 173-204 WAC), or human health-based criteria in the national Toxics Rule (Federal Register, Vol. 57, NO. 246, Dec. 22, 1992, pages 60848-60923).
- B. Existing Stormwater Discharges. In order to meet the goals of the Clean Water Act and make progress towards compliance with applicable surface water, ground water and sediment management standards, for all existing stormwater discharges each Permittee is required to reduce the discharge of pollutants to the maximum extent practicable. To meet the requirement to reduce the discharge of pollutants to the maximum extent practicable, each Permittee shall comply with the requirements of this permit.
- C. New Stormwater Discharges. All new stormwater discharges must comply with all applicable surface water, ground water and sediment management standards. New stormwater discharges authorized or allowed by the Permittee shall not cause or contribute to a violation of applicable standards. New stormwater discharges include new stormwater sources and new stormwater outfalls, including all sources contributing to the new stormwater outfall. Compliance shall be determined as follows:
  1. If the new stormwater discharge is controlled in accordance with the technical standards in **Appendix 2** and in compliance with the terms of this permit, then the discharge is in compliance unless site-specific information pursuant to **S4.C.2** below indicates otherwise. From the effective date of this Permit until the date the Permittee adopts the technical standards in **Appendix 2, S5.B.4, and S5.B.5** in this permit, each Permittee must provide information to proponents of projects which disturb greater than or equal to one acre (including projects less than one acre that are part of a common plan of development or sale) and will result in new stormwater discharges into the Permittee's regulated small MS4 as follows:
    - a. New stormwater discharges are not allowed to cause or contribute to a violation of applicable surface water, ground water and sediment management standards, including the State's narrative criteria for water quality; and
    - b. Project proponents may apply the technical standards referenced in paragraph S4.C.1, above, as a means of achieving compliance; and
    - c. If project proponents choose not to apply the technical standards referenced in paragraph S4.C.1, above, then project proponents must be prepared to demonstrate that the new stormwater discharge does not cause or contribute a violation of applicable surface water, ground water and sediment management standards. Project proponents must be prepared to document:

- i. How stormwater BMPs were selected, and
- ii. The pollutant removal expected from the selected BMPs, and
- iii. The technical basis which support the performance claims for the selected BMPs, and
- iv. How the selected BMPs will comply with applicable State water quality standards and satisfy State all known and available reasonable technology (AKART) requirements.

2. If, prior to authorization of a new stormwater discharge, site-specific information<sup>1</sup> indicates that the technical standards in this permit, including Appendix 2 and the selection and design criteria for BMPs required under S5.B.4 and S5.B.5, are not sufficient to protect beneficial uses of waters of the state from impacts which cause or contribute to loss or impairment, then additional controls must be applied. All additional controls that are determined necessary to protect beneficial uses must be in place prior to discharge from the new stormwater source or outfall.

## **S5. STORMWATER MANAGEMENT PROGRAM FOR PRIMARY PERMITTEES AND CO-PERMITTEES**

- A. This section of the permit shall apply to all Primary Permittees and Co-Permittees, including all Cities and Counties covered under this Permit. Where the term “Permittee” is used in this section, the requirements shall apply to all Primary Permittees and Co-Permittees.
  1. All Permittees shall develop and implement a Stormwater Management Program (SWMP) during the term of this permit. A SWMP is a set of actions and activities comprising the components listed in S7.B and any additional actions necessary to meet the requirements of applicable TMDLs. The SWMP shall be designed to reduce the discharge of pollutants from the regulated small MS4 to the maximum extent practicable and to protect water quality.
  2. The stormwater management program must be developed and implemented in accordance with the schedules contained in this section and shall be fully developed and implemented by the expiration date of this Permit. Notwithstanding the schedules for implementation of SWMP components contained in this permit, Permittees that are already implementing some or all of the SWMP components in this section shall continue implementation of those components of their SWMP.
  3. All Permittees shall prepare written documentation of their SWMP in accordance with S8 Monitoring, Reporting, and Recordkeeping Requirements. The SWMP

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<sup>1</sup> Site-specific information includes but is not limited to: information in water quality management plans such as watershed or stormwater basin plans, TMDLs, groundwater management plans, and lake management plans; information about hydrology, soils, or the sensitivity of the receiving waters that is obtained through professional field observations or monitoring; and information about likely pollutant sources.

documentation shall be organized according to the program components in S5.B below and shall be updated annually for the Permittees' annual reports to the Department. The SWMP documentation shall include:

- a. A description of each of the program components included in S5.B.1 through S5.B.6, and
- b. Any additional actions implemented by the Permittee pursuant to S5.B, and
- c. Any additional actions necessary to meet the requirements of applicable TMDLs pursuant to section S7 Total Maximum Daily Load Requirements.

B. The SWMP shall include the components listed below. All components are mandatory for all Primary Permittees and Co-Permittees, including all Cities and Counties covered under this Permit. In accordance with 40 CFR 122.35(a) and S3 Responsibilities of Permittees, a Permittee may rely on another entity to implement one or more of the components in this section.

1. Public Education and Outreach

Permittees must develop and implement a public education and outreach program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges water bodies and the steps the public can take to reduce pollutants in stormwater. Outreach and educational efforts should include a multimedia approach and must be targeted and presented to specific audiences for increased effectiveness.

The minimum performance measures are:

- a. All Permittees shall develop and begin implementation of a public education and outreach program which at a minimum includes the following, based on the land uses and target audiences found within the community:
  - i. Information for the general public about the importance of improving water quality and protecting beneficial uses of waters of the State; potential impacts from stormwater discharges; methods for avoiding, minimizing, reducing and/or eliminating the adverse impacts of stormwater discharges; and actions individuals can take to improve water quality, including encouraging participation in local environmental stewardship activities.
  - ii. Information for businesses and the general public about preventing illicit discharges, including what constitutes illicit discharges and the impacts of illicit discharges and promoting the proper management and disposal of toxic materials, and including all education and outreach activities pursuant to S5.B.3.d. Permittees must also include educational activities to reduce the types of discharges listed in S5.B.3.b.iv.
  - iii. Information for engineers, construction contractors, developers, development review staff, and land use planners about technical standards, the development of stormwater site plans and erosion

control plans, and stormwater best management practices for reducing adverse impacts from stormwater runoff from development sites, including all education and outreach activities pursuant to S5.B.4.d and S5.B.5.d.

No later than three years from the effective date of this Permit, all Permittees shall identify and characterize target audiences within their jurisdiction to meet the education and outreach goals listed above.

- b. By the expiration date of this Permit, all Permittees shall develop and implement a public education and outreach strategy. The strategy must be designed to reach all of the target audiences identified within the Permittee's jurisdiction to meet the education and outreach goals listed in (a) above.

## 2. Public Involvement and Participation

At a minimum, Permittees must comply with applicable State, tribal and local public notice requirements when implementing a public involvement and participation program. The SWMP shall include ongoing opportunities for public involvement and participation such as advisory panels, public hearings, watershed committees, participation in developing rate-structures, stewardship programs, environmental activities, other volunteer opportunities, or other similar activities.

The minimum performance measures are:

- a. No later than one year from the effective date of this Permit, all Permittees shall adopt a program or policy directive to create opportunities for the public to participate in the decision making processes involving the development, implementation and update of the Permittee's SWMP, including development and adoption of all required ordinances. All Permittees must develop and implement a process for consideration of public comments on their SWMP, including required ordinances.

- b. No later than 60 days from the date that the annual report must be submitted to the Department (see S8 Monitoring, Reporting, and Recordkeeping Requirements), all Permittees shall make the latest updated version of the SWMP available to the public on the Permittee's website. To comply with this requirement, a Permittee that does not maintain a website may submit the updated SWMP in electronic format to the Department no later than 30 days from the date that the annual report must be submitted to the Department for posting on the Department's website.

## 3. Illicit Discharge Detection and Elimination

Permittees must develop, implement, and enforce a program to detect and eliminate illicit discharges (as defined at Sec. 122.26(b)(2)) into their small MS4s.

The minimum performance measures are:



- a. All Permittees shall develop a map of the MS4, showing the location of all known outfalls and the names and locations of all waters of the State that receive discharges from those outfalls.
  - i. The map must be: approximately one-third complete **no later than three years from the effective date of this Permit**; approximately two-thirds complete **no later than four years from the effective date of this Permit**; and complete **before the expiration date of this Permit**.
  - ii. Field surveys shall be conducted to verify locations and identify previously unknown outfalls on priority water bodies **before the expiration date of this Permit**.
  - iii. Permittees shall provide maps and mapping information to other entities covered under this Permit upon request, and to the extent appropriate.
- b. All Permittees shall effectively prohibit, through ordinance or other regulatory mechanism, non-stormwater discharges into the Permittee's MS4 and implement appropriate enforcement procedures and actions.
  - i. An ordinance or other regulatory mechanism that prohibits illicit discharges and authorizes enforcement actions, including on private property, must be adopted **no later than two years from the effective date of this Permit**.
  - ii. Non-stormwater discharges covered by an NPDES permit and discharges from fire fighting activities (but not fire fighting training exercises) are allowed in the MS4.
  - iii. The following types of non-stormwater discharges are not allowed in the MS4 and must also be prohibited through the ordinance or other regulatory mechanism enacted pursuant to S5.B.4.b.i above. However, enforcement procedures and actions for these types of non-stormwater discharges do not need to include sanctions, provided that the discharge has not been identified as a significant contributor of pollutants. The other components of the SWMP do not need to specifically address any of these discharges unless the discharge is identified as a significant contributor of pollutants:
    - Individual residential car washing. This provision does not include charity car washes.
    - Street wash water. At active construction sites, street sweeping must be performed prior to washing the street.
    - Lawn watering and landscape irrigation.
    - Irrigation water.
    - Diverted stream flows, provided that all necessary permits or authorizations are received prior to diverting the stream flow.

- Flows from riparian habitats and wetlands.
  - Rising ground waters; springs; uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers; or uncontaminated pumped ground water.
  - Foundation drains; footing drains; water from crawl space pumps; or air conditioning condensation.
- iv. Public outreach and education activities pursuant to **S5.B.1.b.ii** are required to reduce the following types of non-stormwater discharges:
- Individual residential car washing,
  - Street wash water, and
  - Lawn watering and landscape irrigation.
- v. Untreated water line flushing discharges, untreated planned discharges from potable water sources, and untreated swimming pool discharges are not allowed in the MS4. The ordinance or other regulatory mechanism enacted pursuant to **S5.B.4.b.i** above shall prescribe that these types of non-stormwater discharges must meet the conditions below:
- Water line flushing and discharges from potable water sources: planned discharges from water lines and potable water sources shall be dechlorinated, pH adjusted if necessary, reoxygenated, and volumetrically and velocity controlled to prevent resuspension of sediments. Water that has been hyperchlorinated shall not be discharged to the MS4, even after de-chlorination.
  - Swimming pool discharges should be directed to a sanitary sewer if available. Swimming pool discharges to the MS4 shall be dechlorinated, pH adjusted if necessary, reoxygenated, and volumetrically and velocity controlled to prevent resuspension of sediments. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4. Water that has been hyperchlorinated shall not be discharged to the MS4, even after de-chlorination.
- c. All Permittees must develop and implement an ongoing program to detect and address non-stormwater discharges, including illegal dumping, to the MS4. The plan must be fully implemented **before the expiration date of this Permit** and shall include:
- i. Procedures for locating priority areas likely to have illicit discharges, including at a minimum: evaluating land uses and associated business/industrial activities present; areas where complaints have been registered in the past; and areas with storage of large quantities of materials that could result in spills.



- ii. Field assessment activities, including visual inspection of priority outfalls identified in (i) above during dry weather and for the purposes of verifying outfall locations, identifying previously unknown outfalls, and detecting illicit discharges.
        - iii. Procedures for characterizing the nature of, and potential public or environmental threat posed by, any illicit discharges found by or reported to the Permittee. Procedures shall include detailed instructions for evaluating whether the discharge must be immediately contained and steps to be taken for containment of the discharge.
        - iv. Procedures for tracing the source of an illicit discharge; including visual inspections, and when necessary, opening manholes, using mobile cameras, collecting and analyzing water samples, and/or other detailed inspection procedures.
        - v. Procedures for removing the source of the discharge, including notification of appropriate authorities; notification of the property owner; technical assistance for eliminating the discharge; follow-up inspections; and escalating enforcement and legal actions if the discharge is not eliminated.
        - vi. Within one year of the effective date of this Permit, and as an ongoing responsibility, identify areas of industrial activity served by the Secondary Permittee's MS4 that require coverage under the Industrial General Permit, determine whether coverage has been obtained, and inform the Department if coverage has not been obtained.
      - d. Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.
        - i. Before the expiration date of this Permit, distribute appropriate information to target audiences identified pursuant to S5.B.1.a.ii, and
        - ii. No later than two years from the effective date of this Permit, publicize a hotline or other local telephone number for public reporting of spills and other illicit discharges. Keep a record of all calls received and of all follow-up actions taken in accordance with S5.C.3.c.ii and iii above; include a summary in the annual report (see S8).
      - e. Procedures for program evaluation and assessment, including tracking the number and type of spills or illicit discharges identified; inspections made; and any feedback received from public education efforts. See S8 Monitoring, Reporting, and Recordkeeping Requirements.
    4. Construction Site Stormwater Runoff Control

All Permittees shall develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities that result in land

disturbances greater than one acre and to projects of less than one acre that are part of a common plan of development or sale.

The minimum performance measures are:

- a. **No later than two years from the effective date of this Permit**, all Permittees shall develop and adopt an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State law.
  - i. The ordinance must apply at a minimum to construction sites disturbing greater than or equal to one acre and to projects of less than one acre that are part of a common plan of development or sale.
  - ii. The ordinance shall require construction operators to adhere, at a minimum, to the requirements of **Appendix 2, Core Element #2**, including preparation of *Construction Stormwater Pollution Prevention Plans* and selection, design, installation, operation, and maintenance of best management practices (BMPs) according to Chapter 2.2.2 and Chapter 7 of the *Stormwater Management Manual for Eastern Washington*, or an equivalent document.
    - All Permittees shall adopt requirements for construction site operators to implement appropriate erosion and sediment control BMPs.
    - All Permittees shall adopt requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
  - iii. The ordinance shall include a provision for access by Permittees to inspect construction-phase stormwater BMPs on private properties that discharge to the MS4.
- b. **Before the expiration date of this Permit**, all Permittees shall adopt procedures for site plan review which incorporate consideration of potential water quality impacts.
  - i. At a minimum, all *Construction Stormwater Pollution Prevention Plans* for construction sites that disturb greater than or equal to one acre and to projects of less than one acre that are part of a common plan of development or sale will be reviewed prior to construction to ensure that they include adequate erosion control.
  - ii. The site plan review shall be performed by Qualified Personnel and shall be performed in coordination with **S5.B.5.b.ii** review of *Stormwater Site Plans* to ensure that the plans include adequate post-construction controls.

- 1                                   iii. Permittees shall provide adequate training for all staff involved in  
2                                   permitting, planning, and review to carry out the provisions of this  
3                                   SWMP component.
- 4                   c. **Before the expiration date of this Permit**, all Permittees shall adopt procedures  
5                   for site inspection and enforcement of control measures.
  - 6                                   i. All Permittees shall adopt a procedure for keeping records of  
7                                   inspections and enforcement actions by staff, including inspection  
8                                   reports, warning letters, notices of violations, and other enforcement  
9                                   records.
  - 10                                  ii. Permittees shall provide adequate training for all staff involved in  
11                                  field inspection and enforcement to carry out the provisions of this  
12                                  SWMP component.
  - 13                                  iii. All new development and redevelopment sites greater than one acre  
14                                  or part of a common plan of development or sale shall be inspected at  
15                                  least once by Qualified Personnel.
- 16                   d. **Before the expiration date of this Permit**, all Permittees shall provide  
17                   information to construction operators about training available on how to install  
18                   and maintain effective erosion and sediment controls and how to comply with  
19                   the requirements of **Appendix 2** and apply the BMPs described in Chapter 7 of  
20                   the *Stormwater Management Manual for Eastern Washington*, or an equivalent  
21                   document.
- 22                   e. All Permittees shall adopt procedures for receipt and consideration of  
23                   information submitted by the public. This shall include, but not be limited to,  
24                   publicizing a hotline or other telephone number for public reporting of spills  
25                   and other illicit discharges pursuant to **S5.B.3.d.ii** above.
- 26                   5. Post-Construction Stormwater Management for New Development and  
27                   Redevelopment

28                   All Permittees must develop, implement, and enforce a program to address post-  
29                   construction stormwater runoff to the MS4 from new development and  
30                   redevelopment projects greater than one acre and to projects of less than one acre  
31                   that are part of a common plan of development or sale. The program must ensure  
32                   that controls are in place that would prevent or minimize water quality impacts.

33                   The minimum performance measures are:

  - 34                                  a. **No later than two years from the effective date of this Permit**, all Permittees  
35                                  shall develop and adopt an ordinance or other regulatory mechanism that  
36                                  requires post-construction stormwater controls at new development and  
37                                  redevelopment projects. The ordinance or other regulatory mechanism shall  
38                                  include sanctions to ensure compliance, to the extent allowable under State law.
    - 39    i. The ordinance or other regulatory mechanism must apply, at a  
40    minimum, to new development and redevelopment sites greater than

- 1 or equal to one acre and to projects of less than one acre that are part  
2 of a common plan of development or sale and discharge to the MS4.
- 3 ii. The ordinance or other regulatory mechanism shall require project  
4 proponents to adhere to the requirements of [Appendix 2](#), including  
5 preparation of *Stormwater Site Plans* and selection, design,  
6 installation, operation, and maintenance of structural and operational  
7 stormwater BMPs per the *Stormwater Management Manual for*  
8 *Eastern Washington*, or an equivalent document.
- 9 • All Permittees shall adopt a policy of encouraging project  
10 proponents to maintain natural drainages to the maximum extent  
11 possible, including reducing the total amount of impervious  
12 surfaces created by the project.
  - 13 • All Permittees shall adopt requirements for project proponents to  
14 implement appropriate runoff treatment, flow control, and source  
15 control best management practices (BMPs) considering the  
16 proposed land use at the site to minimize adverse impacts to  
17 water quality.
    - 18 ○ Each Permittee shall specify a hydrologic method for  
19 calculating runoff volumes and flow rates to ensure  
20 consistent sizing of structural BMPs in their jurisdiction and  
21 to facilitate plan review. Permittees may allow proponents of  
22 unique or complex projects to use other methodologies.
  - 23 • All Permittees shall adopt requirements for project proponents to  
24 ensure adequate ongoing long-term operation and maintenance  
25 of the BMPs approved by the Permittee.
- 26 iii. The ordinance or other regulatory mechanism shall include a  
27 provision for construction-phase and post-construction access for  
28 Permittees to inspect stormwater BMPs on private properties.
- 29 b. [Before the expiration date of this Permit](#), all Permittees shall adopt procedures  
30 for site plan review which incorporate consideration of potential water quality  
31 impacts.
- 32 i. At a minimum, all *Stormwater Site Plans* for new development and  
33 redevelopment sites greater than or equal to one acre and to projects  
34 of less than one acre that are part of a common plan of development  
35 or sale will be reviewed prior to construction to ensure that they  
36 include adequate erosion control.
  - 37 ii. The site plan review shall be performed by Qualified Personnel and  
38 shall be performed in coordination with [S5.B.4.b.iii](#) review of  
39 *Construction Stormwater Pollution Prevention Plans* to ensure that  
40 the plans include adequate construction-phase controls.

- 1 c. Before the expiration date of this Permit, all Permittees shall adopt procedures  
2 for site inspection and enforcement of control measures.
- 3 i. All Permittees shall adopt a procedure for keeping records of  
4 inspections and enforcement actions by staff, including inspection  
5 reports, warning letters, notices of violations, and other enforcement  
6 records. At a minimum, inspection and enforcement procedures shall  
7 be applied to all new development and redevelopment sites greater  
8 than one acre or part of a common plan of development or sale that  
9 are approved by the Permittee after the effective date of this Permit.
- 10 ii. Structural BMPs shall be inspected at least once during installation by  
11 Qualified Personnel.
- 12 iii. Structural BMPs shall be inspected at least once every five years after  
13 final installation, or more frequently as determined by the Permittee  
14 to be necessary to prevent adverse water quality impacts, to ensure  
15 adequate maintenance is being performed. The inspection shall be  
16 performed by Qualified Personnel.
- 17 iv. Recommended operation and maintenance standards for structural  
18 BMPs in the *Stormwater Management Manual for Eastern*  
19 *Washington*, or an equivalent document, must be met. If a BMP is  
20 not inspected, the Permittee is not in violation of this Permit unless a  
21 violation of water quality standards occurs due to lack of operation  
22 and maintenance of the facility.
- 23 v. If a site is inspected and problems are identified, the Permittee is not  
24 in violation of this Permit as long as the Permittee requires and  
25 confirms that any and all necessary operation, maintenance and/or  
26 repair to correct the problem is performed as soon as practicable.
- 27 d. Before the expiration date of this Permit, Permittees shall provide adequate  
28 training for all staff involved in permitting, planning, review, inspection, and  
29 enforcement to carry out the provisions of this SWMP component.
- 30 e. From the effective date of this Permit, all Permittees shall provide information  
31 to design professionals about training available on how to comply with the  
32 requirements of Appendix 2 and apply the BMPs described in the *Stormwater*  
33 *Management Manual for Eastern Washington*, or an equivalent document.
- 34 6. Pollution Prevention and Good Housekeeping for Municipal Operations
- 35 All Permittees must develop and implement an operation and maintenance program  
36 that includes a training component and has the ultimate goal of preventing or  
37 reducing pollutant runoff from municipal operations.
- 38 The minimum performance measures are:
- 39 a. No later than three years from the effective date of this Permit, all Permittees  
40 shall develop and implement a schedule of municipal operation and

1 maintenance activities (an O&M Plan). The schedule shall include best  
2 management practices (BMPs) that, when applied to the municipal activity or  
3 facility, will protect water quality, reduce the discharge of pollutants to the  
4 maximum extent practicable, and satisfy State AKART requirements; Chapter 8  
5 of the *Stormwater Management Manual for Eastern Washington* provides a  
6 selection of appropriate BMPs that meet these requirements. Operation and  
7 maintenance standards in the O&M Plan shall be at least as protective as those  
8 included in Chapters 5, 6, and 8 of the *Stormwater Management Manual for*  
9 *Eastern Washington* or an equivalent document. Record keeping shall be done  
10 pursuant to the requirements in S8 Monitoring, Reporting, and Recordkeeping  
11 Requirements.

12 i. The O&M Plan shall include appropriate pollution prevention and  
13 good housekeeping procedures for all of the following types of  
14 facilities and/or activities listed below that are present within the  
15 Permittee's boundaries:

- 16 • Stormwater collection and conveyance system, including catch  
17 basins, stormwater sewer pipes, open channels, culverts,  
18 structural stormwater controls, and structural runoff treatment  
19 and/or flow control facilities. The O&M Plan must address, but  
20 is not limited to: regular inspections, cleaning, proper disposal of  
21 waste removed from the system, and record keeping. Before the  
22 expiration date of this Permit, Permittees shall implement catch  
23 basin cleaning, stormwater system maintenance, scheduled  
24 structural BMP inspections and maintenance, and pollution  
25 prevention/good housekeeping practices.
- 26 • Roads, highways, and parking lots. The O&M Plan must  
27 address, but is not limited to: deicing, anti-icing, and snow  
28 removal practices; snow disposal areas; material (e.g. salt, sand,  
29 or other chemical) storage areas; and all-season BMPs to reduce  
30 road and parking lot debris and other pollutants from entering the  
31 MS4. Before the expiration date of this Permit, Permittees shall  
32 implement all pollution prevention/good housekeeping practices  
33 established in the O&M Plan for roads, highways, and parking  
34 lots owned, operated, or maintained by the Permittee.
- 35 • Vehicle fleets. The O&M Plan must address, but is not limited  
36 to: storage, washing, and maintenance of municipal vehicle  
37 fleets. Before the expiration date of this Permit, Permittees shall  
38 conduct all vehicle and equipment washing and maintenance in a  
39 self-contained covered building or in designated wash and/or  
40 maintenance areas operated to separate wash water from  
41 stormwater.
- 42 • Municipal buildings. The O&M Plan must address, but is not  
43 limited to: cleaning, washing, painting and other maintenance  
44 activities. Before the expiration date of this Permit, Permittees



shall implement all pollution prevention/good housekeeping practices established in the O&M Plan for buildings owned, operated, or maintained by the Permittee.

- Parks and open space. The O&M Plan must address, but is not limited to: proper application of fertilizer, pesticides, and herbicides; sediment and erosion control; BMPs for landscape maintenance and vegetation disposal; trash management; and BMPs for building exterior cleaning and maintenance. **Before the expiration date of this Permit**, Permittees shall implement park and open space maintenance pollution prevention/good housekeeping practices at all park areas and other open spaces owned or operated by the Permittee.
- Construction Projects. Public construction projects must comply with the requirements applied to private projects. **No later than the effective date of this Permit**, all Permittees must submit a Notice of Intent for permit coverage for all projects owned or operated by the Permittee that are required to be covered under the *General NPDES Permit for Stormwater Discharges Associated with Construction Activities*. All public projects approved **after the effective date of this Permit** must include construction and post-construction controls selected and implemented pursuant to the requirements in **Appendix 2**.
- Industrial Activities. **No later than the effective date of this Permit**, all Permittees must identify and submit a Notice of Intent for permit coverage for all facilities owned or operated by the Permittee that are required to be covered under the *General NPDES Permit for Stormwater Discharges Associated with Industrial Activities*.
- Material storage areas and Heavy equipment storage and maintenance areas. **Before the expiration date of this Permit**, Permittees shall develop and implement a *Stormwater Pollution Prevention Plan* to protect water quality at each of these facilities owned or operated by the Permittee and not covered under the *General NPDES Permit for Stormwater Discharges Associated with Industrial Activities*.
- Flood management projects. **Before the expiration date of this Permit**, Permittees shall implement provisions to address water quality considerations in the design of all new flood management projects, including use of controls that minimize impacts to site hydrology and still meet project objectives. Existing flood management projects shall be prioritized and at least five shall be reviewed and evaluated to determine whether changes or additions should be made to improve water quality.

- Other facilities that that would reasonably be expected to discharge contaminated runoff. Permittees must identify these facilities, include BMPs to protect water quality from discharges from these sites in the O&M Plan, and implement the BMPs before the expiration date of this Permit.

ii. The O&M plan shall include a schedule of inspections and requirements for record keeping pursuant to **S8 Monitoring, Reporting, and Recordkeeping Requirements**.

- All stormwater treatment and flow control facilities owned or operated by the Permittee shall be inspected at least twice: once no later than three years from the effective date of this Permit and again before the expiration date of this Permit.
- Spot checks for potentially damaged stormwater treatment and flow control facilities shall be conducted after major storm events (greater than 10-year recurrence interval rainfall).
- Any needed repair or maintenance shall be performed as soon as practicable pursuant to the findings of a regular inspection or spot check.

iii. The O&M plan shall identify the department (and where appropriate, the specific staff) responsible for performing each activity.

- b. Before the expiration date of this Permit, Permittees shall train all employees whose construction, operations, or maintenance job functions may impact stormwater quality. Training shall address the importance of protecting water quality, the requirements of this permit, operation and maintenance requirements, inspection procedures, ways to perform their job activities to prevent or minimize impacts to water quality, and procedures for reporting water quality concerns, including potential illicit discharges.

## **S6. STORMWATER MANAGEMENT PROGRAM FOR SECONDARY PERMITTEES**

This section of the permit applies to all Secondary Permittees covered under this Permit. To the extent allowable under state law, compliance with this section is mandatory for all Secondary Permittees.

Each Secondary Permittee shall develop and implement a Stormwater Management Program (SWMP) during the term of this permit. The SWMP shall be designed to reduce the discharge of pollutants from regulated small MS4s to the maximum extent practicable and protect water quality. A SWMP is a set of actions and activities comprising the components listed in **S6.A** through **S6.F** below. Unless an earlier deadline is provided below, all components of the SWMP shall be fully developed and implemented before the expiration date of this Permit.



A. Public Education and Outreach

Each Secondary Permittee shall identify at least one target audience for stormwater education and will provide appropriate information to that audience about proper stormwater management to prevent water quality impacts. The target audience(s) must be identified **no later than three years from the date of permit coverage**; an outreach strategy must be developed **no later than four years from the date of permit coverage**; and the strategy must be implemented **during the remainder of the permit term**.

B. Public Involvement and Participation

**Before the expiration date of this Permit**, each Secondary Permittee shall:

1. Publish a public notice in the local newspaper and solicit public review of their stormwater management program.
2. Make the latest updated version of the SWMP available to the public on the Permittee's website. To comply with this requirement, a Secondary Permittee that does not maintain a website may submit the updated SWMP in electronic format to the Department for posting on the Department's website.

C. Illicit Detection Discharge Detection and Elimination

Each Secondary Permittee shall:

1. **From the date of permit coverage**, comply with all relevant ordinances, rules, and regulations of the local jurisdiction(s) in which the Secondary Permittee is located that govern non-stormwater discharges.
2. Develop and enforce appropriate policies prohibiting illicit discharges and illegal dumping **no later than one year from the date of permit coverage**. Identify possible enforcement mechanisms **no later than one year from the date of permit coverage**; and, **no later than eighteen months from the date of permit coverage**, develop and implement an enforcement plan using these mechanisms to ensure compliance with illicit discharge policies.
3. Develop a storm sewer system map showing all known storm drain outfalls and receiving waters and delineating the areas contributing runoff to each outfall **before the expiration date of this Permit**.
4. Conduct field inspections and visually inspect for illicit discharges during dry weather at all known outfalls that discharge to surface waters. Visually inspect at least one third (on average) of all known outfalls each year beginning **no later than two years from the date of permit coverage**. Develop and implement procedures to identify and remove any illicit discharges.
5. **Before the expiration date of this Permit**, develop and implement a spill response plan that includes coordination with a qualified spill responder.
6. Provide staff training or coordinate with existing training efforts to educate relevant staff on proper best management practices for preventing spills and illicit discharges. All relevant staff must be trained **before the expiration date of this Permit**.

- 1           7. **Before the expiration date of this Permit**, identify areas of industrial activity within  
2           the Secondary Permittee's MS4 service area that require coverage under the  
3           *General NPDES Permit for Stormwater Discharges Associated with Industrial*  
4           *Activities*, determine whether coverage has been obtained, and inform the  
5           Department if coverage has not been obtained.

6           D. Construction Site Stormwater Runoff Control

7           **From the date of permit coverage**, each Secondary Permittee shall:

- 8           1. Comply with all relevant ordinances, rules, and regulations of the local  
9           jurisdiction(s) in which the Secondary Permittee is located that govern construction  
10          phase stormwater pollution prevention measures.
- 11          2. Seek coverage under the General NPDES Permit for Stormwater Discharges  
12          Associated with Construction Activities for all sites with land disturbance greater  
13          than one acre and discharge to surface water either directly or via a MS4.
- 14          3. Provide training or coordinate with existing training efforts to educate relevant staff  
15          in erosion and sediment control BMPs and requirements, or hire trained contractors  
16          to perform the work.
- 17          4. Coordinate, as requested, with the Department or the local jurisdiction to provide  
18          access for inspection of construction sites or other land disturbances greater than  
19          one acre under the control of the Secondary Permittee during the active grading  
20          and/or construction period.

21          E. Post-Construction Stormwater Management for New Development and Redevelopment

22          **From the date of permit coverage**, each Secondary Permittee shall:

- 23          1. Comply with all relevant ordinances, rules and regulations of the local  
24          jurisdiction(s) in which the Secondary Permittee is located that govern post-  
25          construction stormwater pollution prevention measures, including proper operation  
26          and maintenance of the MS4.
- 27          2. Provide for the post-construction stormwater controls included in **Appendix 2** to be  
28          included on all new construction and other land-disturbing projects greater than one  
29          acre and ensure that qualified staff or contractors design post-construction  
30          stormwater controls as necessary to protect water quality on those projects.

31          F. Pollution Prevention and Good Housekeeping for Municipal Operations

32          Each Secondary Permittee shall:

- 33          1. **No later than one year from the date of permit coverage**, develop and implement a  
34          municipal operation and maintenance (O&M) plan that includes appropriate  
35          pollution prevention and good housekeeping procedures for all of the following  
36          activities and/or types of facilities that are present within their boundaries:
- 37                  a. Stormwater collection and conveyance system, including catch basins,  
38                  stormwater sewer pipes, open channels, culverts, structural stormwater controls,  
39                  and structural runoff treatment and/or flow control facilities. The O&M Plan

must address, but is not limited to: regular inspections, cleaning, proper disposal of waste removed from the system, and record keeping.

- b. Roads, highways, and parking lots. The O&M Plan must address, but is not limited to: deicing, anti-icing, and snow removal practices; snow disposal areas; material (e.g. salt, sand, or other chemical) storage areas; and all-season BMPs to reduce road and parking lot debris and other pollutants from entering the MS4.
  - c. Vehicle fleets. The O&M Plan must address, but is not limited to: storage, washing, and maintenance of municipal vehicle fleets.
  - d. Municipal buildings. The O&M Plan must address, but is not limited to: cleaning, washing, painting and other maintenance activities.
  - e. Parks and open space. The O&M Plan must address, but is not limited to: proper application of fertilizer, pesticides, and herbicides; sediment and erosion control; BMPs for landscape maintenance and vegetation disposal; trash management; and BMPs for building exterior cleaning and maintenance.
  - f. Material storage areas and heavy equipment storage and maintenance areas. Permittees shall develop and implement a *Stormwater Pollution Prevention Plan* to protect water quality at each of these facilities owned or operated by the Permittee and not covered under the *General NPDES Permit for Stormwater Discharges Associated with Industrial Activities*.
  - g. Other facilities that that would reasonably be expected to discharge contaminated runoff.
2. Secondary Permittees shall properly maintain stormwater collection and conveyance systems, including but not limited to: regular inspections, cleaning, proper disposal of waste removed from the system (per Appendix 9), and record keeping.
  3. Secondary Permittees shall maintain all structural post-construction stormwater BMPs. The O&M Plan shall include provision for regular inspection of post-construction structural BMPs.
  4. Secondary Permittees shall conduct all vehicle and equipment washing and maintenance in a self-contained covered building or in designated wash and/or maintenance areas.
  6. Identify, and submit a Notice of Intent for permit coverage for all facilities operated by the Secondary Permittee that are required to be covered under the *General NPDES Permit for Stormwater Discharges Associated with Industrial Activities*.
  7. **Before the expiration date of this Permit**, train the Secondary Permittee's employees whose construction, operations, or maintenance job functions may impact stormwater quality. The training shall address:
    - a. The importance of protecting water quality,
    - b. The requirements of this permit,

- c. Operation and maintenance requirements,
- d. Inspection procedures,
- e. Ways to perform their job activities to prevent or minimize impacts to water quality, and
- f. Procedures for reporting water quality concerns, including potential illicit discharges.

## **S7. COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD ALLOCATIONS**

The following requirements apply if an applicable Total Maximum Daily Load (TMDL) is approved for stormwater discharges from MS4s owned or operated by the Permittee. Applicable TMDLs are TMDLs which have been approved by EPA on or before the issuance date of this Permit, or prior to the date that the Permittee's application is received by Ecology, or prior to a modification of this Permit, whichever is later. All Permittees must be in compliance with the requirements of applicable TMDLs.

- A. For applicable TMDLs not listed in [Appendix 3](#), compliance with this permit shall constitute compliance with those TMDLs. Each Permittee shall keep records of all actions required by this permit that are relevant to applicable TMDLs within their jurisdiction. The status of the TMDL implementation must be included as part of the annual report submitted to Ecology for this Permit.
- B. For applicable TMDLs listed in [Appendix 3](#), affected Permittees shall comply with the specific requirements identified in [Appendix 3](#) to this permit. The status of the TMDL implementation must be included as part of the annual report submitted to Ecology for this Permit.
- C. For TMDLs that are approved by EPA after this Permit is issued, the Department may establish TMDL-related permit requirements through future permit modification, administrative orders, or when this Permit is reissued. Permittees are encouraged to participate in development of TMDLs within their jurisdiction and to begin implementation. The Department may modify this Permit to incorporate requirements from TMDLs completed after the issuance of this Permit if the Department determines implementation of actions, monitoring or reporting necessary to demonstrate reasonable further progress toward achieving TMDL waste load allocations, and other targets, are not occurring and must be implemented during the term of this Permit.

## **S8. MONITORING, REPORTING, AND RECORDKEEPING REQUIREMENTS**

### **A. Monitoring and Program Evaluation**

#### **1. Gathering, maintaining, and using information:**

- a. Each Permittee shall have an ongoing process for gathering, maintaining, and using information to track the development and implementation of their

Stormwater Management Program (SWMP), to evaluate permit compliance/non-compliance, and to determine the effectiveness of SWMP implementation.

- b. Each Permittee shall use this information to evaluate, to the extent allowable, whether the SWMP is adequate to:
  - i. Prevent adverse impacts to water quality and beneficial uses in receiving waters caused by new development and redevelopment, and
  - ii. Reduce adverse impacts to water quality and beneficial uses in receiving waters caused by existing development.

2. Specifically, the annual report shall include the following information:

- a. A summary of the results of any relevant information collected and analyzed during the previous year, including but not limited to any stormwater or receiving water quality data collected during the reporting period.
- b. An assessment of the appropriateness of the BMPs identified by the Permittee for each component of the SWMP; and any changes made, or anticipated to be made, to the BMPs that were previously selected to implement the SWMP, and why.

3. No later than four years from the date of issuance of this permit, each City and County, whether a Primary Permittee or Co-Permittee, shall identify priorities for evaluating the effectiveness of their SWMP in each of the following areas:

- a. Runoff treatment BMPs
- b. Flow control BMPs
- c. Source control BMPs
- d. Land use characterization
- e. Stormwater quality and/or toxicity
- f. Receiving water quality

The topics identified as priorities for future evaluation shall be listed in the Permittee's annual report with a description of how each topic should be addressed (e.g., by special case study, long-term water quality monitoring, or other investigation strategy) and a discussion of how the results would support the Permittee's adaptive management of their Stormwater Management Program.

Permittees in a single Urbanized Area may choose to submit a collaborative report in lieu of separate reports to comply with this requirement.

4. With the exception of any water quality monitoring required for compliance with TMDLs, pursuant to *S7 Total Maximum Daily Load Requirements* and/or *Appendix 3* of this Permit, Permittees are not required to conduct water sampling or other testing during the effective term of this Permit.

B. Reporting and Record Keeping

1. Each Primary Permittee, Co-Permittee, and Secondary Permittee shall submit, **no later than March 31 each year beginning in the year 2007**, an annual report. The reporting period shall be the previous calendar year.
2. Each Permittee shall track the cost of development and implementation of the Stormwater Management Program (SWMP). Expenditures for the reporting period, with a breakdown for each component of the SWMP, shall be included in each annual report.
3. The annual report shall include the following:
  - a. Two printed copies and one electronic (PDF format) copy of the Permittee's current SWMP.
  - b. The status of compliance with the conditions of this Permit, including:
    - i. Status of implementation of each component of the SWMP in **S5 Stormwater Management Program for Primary Permittees and Co-Permittees** or **S6 Stormwater Management Program for Secondary Permittees** of this Permit, as applicable to the Permittee.
    - ii. An assessment of the Permittee's progress in meeting the minimum performance standards established for each of the minimum control measures of the SWMP.
    - iii. A description of activities being implemented to comply with each component of the SWMP, including the number and type of inspections, enforcement actions, public education and involvement activities, and illicit discharges detected and eliminated.
    - iv. The Permittee's proposed SWMP implementation schedule and a discussion of the status of SWMP implementation, including a comparison of the Permittee's proposed implementation schedule with the required implementation schedule in **Appendix 4**. If applicable, include reasons why any deadlines in this Permit have not been met or may not be met in the remainder of the Permit term, and expected dates that the deadlines will be met.
  - c. Notification of any recent or proposed annexations or incorporations resulting in an increase or decrease in permit coverage area, and implications for the SWMP.
  - d. If applicable, notice that you are relying on another governmental entity to satisfy any of your obligations under this Permit.
4. Each annual report shall include updated information from the prior annual report plus any new information required pursuant to **S8.A** above.

*PRELIMINARY DRAFT PHASE II PERMIT FOR EASTERN WASHINGTON*

- 1           5. Report format: the form in Appendix 5 shall be used by all Primary Permittees and  
2           Co-Permittees; the form in Appendix 6 shall be used by all Secondary Permittees.  
3           The forms shall be fully completed by each Permittee. Two printed copies and an  
4           electronic (PDF format) copy of each document shall be submitted to the  
5           Department. All submittals shall be delivered to:

6           Department of Ecology  
7           Water Quality Program  
8           Municipal Stormwater Permits  
9           P.O. Box 47696  
10          Olympia, WA 98504-7696

- 11          6. Each Permittee is required to keep all records related to this permit and the SWMP  
12          for at least five years. Records must be submitted to the Department only upon  
13          request, except for the requirements of the annual reports described in this Permit.

- 14          7. Each Permittee must make all records related to this permit and the SWMP  
15          available to the public at reasonable times during business hours.

- 16           a. A reasonable charge may be assessed by the Permittee for making photocopies  
17           of records.  
18           b. The Permittee may require reasonable advance notice of intent to review  
19           records related to this permit.  
20  
21



**GENERAL CONDITIONS**

**G1. DISCHARGE VIOLATIONS**

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit.

**G2. PROPER OPERATION AND MAINTENANCE**

The Permittee shall at all times properly operate and maintain all facilities and systems of collection, treatment, and control (and related appurtenances) which are installed or used by the Permittee for pollution control to achieve compliance with the terms and conditions of this permit.

**G3. NOTIFICATION OF SPILL**

If a Permittee has knowledge of a spill into a municipal storm sewer which could constitute a threat to human health, welfare, or the environment, the Permittee shall notify the Ecology regional office and other appropriate spill response authorities immediately but in no case later than within 24 hours of obtaining that knowledge.

**G4. BYPASS PROHIBITED**

The intentional bypass of stormwater from all or any portion of a stormwater treatment BMP whenever the design capacity of the treatment BMP is not exceeded, is prohibited unless the following conditions are met:

- A. Bypass is: (1) unavoidable to prevent loss of life, personal injury, or severe property damage; or (2) necessary to perform construction or maintenance-related activities essential to meet the requirements of the Clean Water Act (CWA); and
  - B. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated stormwater, or maintenance during normal dry periods.
- "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss.

**G5. RIGHT OF ENTRY**

The Permittee shall allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law at reasonable times:

- A. To enter upon the Permittee's premises where a discharge is located or where any records must be kept under the terms and conditions of this permit;
- B. To have access to, and copy at reasonable cost and at reasonable times, any records that must be kept under the terms of the permit;
- C. To inspect at reasonable times any monitoring equipment or method of monitoring required in the permit;
- D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and
- E. To sample at reasonable times any discharge of pollutants.



**G6. DUTY TO MITIGATE**

The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

**G7. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, or any exclusive privilege.

**G8. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in the permit shall be construed as excusing the Permittee from compliance with any other applicable federal, state, or local statutes, ordinances, or regulations.

**G9. MONITORING**

A. Representative Sampling: Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored discharge, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

B. Records Retention: The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the *Director*. On request, monitoring data and analysis shall be provided to Ecology.

C. Recording of Results: For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Test Procedures: All sampling and analytical methods used to meet the monitoring requirements specified in the approved stormwater management program shall conform to the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR Part 136, unless otherwise specified in this permit or approved in writing by Ecology.

E. Flow Measurement: Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations or at a minimum frequency of at least one calibration per year. Calibration records should be maintained for a minimum of three years.

- 1 F. Lab Accreditation: All monitoring data, except for flow, temperature, conductivity, pH,  
2 total residual chlorine, and other exceptions approved by Ecology, shall be prepared by  
3 a laboratory registered or accredited under the provisions of, Accreditation of  
4 Environmental Laboratories, Chapter 173-50 WAC. Soils and hazardous waste data are  
5 exempted from this requirement pending accreditation of laboratories for analysis of  
6 these media by Ecology.
- 7 G. Additional Monitoring: Ecology may establish specific monitoring requirements in  
8 addition to those contained in this permit by administrative order or permit  
9 modification.

10 **G10. REMOVED SUBSTANCES**

11 With the exception of decant from street waste vehicles, the Permittee shall not allow  
12 collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in  
13 the course of treatment or control of stormwater to be re-suspended or reintroduced to the  
14 storm sewer system or to waters of the state. Decant from street waste vehicles resulting  
15 from cleaning stormwater facilities may be reintroduced only when other practical means  
16 are not available and only in accordance with Recommendations for Disposal of Street  
17 Waste Liquids, pp. 8B-9 through 8B-12 in Appendix 8B of the *Stormwater Management*  
18 *Manual for Eastern Washington*, or an equivalent document.

19 **G11. SEVERABILITY**

20 The provisions of this permit are severable, and if any provision of this permit, or the  
21 application of any provision of this permit to any circumstance, is held invalid, the  
22 application of such provision to other circumstances, and the remainder of this permit shall  
23 not be affected thereby.

24 **G12. REVOCATION OF COVERAGE**

25 The director may terminate coverage under this General Permit in accordance with Chapter  
26 43.21B RCW and Chapter 173-226 WAC. Cases where coverage may be terminated  
27 include, but are not limited to the following:

- 28 A. Violation of any term or condition of this general permit;  
29 B. Obtaining coverage under this general permit by misrepresentation or failure to disclose  
30 fully all relevant facts;  
31 C. A change in any condition that requires either a temporary or permanent reduction or  
32 elimination of the permitted discharge;  
33 D. A determination that the permitted activity endangers human health or the environment,  
34 or contributes significantly to water quality standards violations;  
35 E. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090;  
36 F. Nonpayment of permit fees assessed pursuant to RCW 90.48.465;

37 Revocation of coverage under this general permit may be initiated by Ecology or requested  
38 by any interested person.

**G13. TRANSFER OF COVERAGE**

The director may require any discharger authorized by this general permit to apply for and obtain an individual permit in accordance with Chapter 43.21B RCW and Chapter 173-226 WAC.

**G14. GENERAL PERMIT MODIFICATION AND REVOCATION**

This general permit may be modified, revoked and reissued, or terminated in accordance with the provisions of WAC 173-226-230. Grounds for modification, revocation and re-issuance, or termination include, but are not limited to the following:

- A. A change occurs in the technology or practices for control or abatement of pollutants applicable to the category of dischargers covered under this general permit;
- B. Effluent limitation guidelines or standards are promulgated pursuant to the CWA or chapter 90.48 RCW, for the category of dischargers covered under this general permit;
- C. A water quality management plan containing requirements applicable to the category of dischargers covered under this general permit is approved; or
- D. Information is obtained which indicates that cumulative effects on the environment from dischargers covered under this general permit are unacceptable.

**G15. REPORTING A CAUSE FOR MODIFICATION OR REVOCATION**

A Permittee who knows or has reason to believe that any activity has occurred or will occur which would constitute cause for modification or revocation and re-issuance under Condition G12, G14, or 40 CFR 122.62 must report such plans, or such information, to Ecology so that a decision can be made on whether action to modify, or revoke and reissue this permit will be required. Ecology may then require submission of a new or amended application. Submission of such application does not relieve the Permittee of the duty to comply with this permit until it is modified or reissued.

**G16. APPEALS**

- A. The terms and conditions of this general permit, as they apply to the appropriate class of dischargers, are subject to appeal within thirty days of issuance of this general permit, in accordance with Chapter 43.21B RCW, and Chapter 173-226 WAC.
- B. The terms and conditions of this general permit, as they apply to an individual discharger, can be appealed in accordance with chapter 43.21b RCW within thirty days of the effective date of coverage of that discharger. Consideration of an appeal of general permit coverage of an individual discharger is limited to the general permit's applicability or non-applicability to that individual discharger.
- C. The appeal of general permit coverage of an individual discharger does not affect any other dischargers covered under this general permit. If the terms and conditions of this general permit are found to be inapplicable to any individual discharger(s), the matter shall be remanded to ecology for consideration of issuance of an individual permit or permits.
- D. Modifications of this permit can be appealed in accordance with chapter 43.21B RCW and chapter 173-226 WAC.

**G17. PENALTIES**

40 CFR 122.41(a)(2) and (3), 40 CFR 122.41(j)(5), and 40 CFR 122.41(k)(2) are hereby incorporated into this permit by reference.

**G18. DUTY TO REAPPLY**

The Permittee must apply for permit renewal at least 180 days prior to the specified expiration date of this Permit. (Note: This section derived from 90.48.170.)

**G19. CERTIFICATION AND SIGNATURE**

All applications, reports, or information submitted to Ecology shall be signed and certified.

A. All permit applications shall be signed by either a principal executive officer or ranking elected official.

B. All reports required by this permit and other information requested by Ecology shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to Ecology, and

2. The authorization specifies either an individual or a position having responsibility for the overall development and implementation of the stormwater management program. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

C. Changes to authorization. If an authorization under General Condition G19.B.2 is no longer accurate because a different individual or position has responsibility for the overall development and implementation of the stormwater management program, a new authorization satisfying the requirements of General Condition G19.B.2 must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this Permit shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that Qualified Personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for willful violations."

**G20. RECORDS RETENTION**

Each Permittee is required to keep all records related to this permit for at least five years.

**DEFINITIONS AND ACRONYMS**

“Best Management Practices” are the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to receiving waters.

“BMPs” means Best Management Practices.

“Bypass” means the diversion of stormwater from any portion of a stormwater treatment facility.

“CWA” means the federal Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended in Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, and Pub. L. 97-117, 33 U.S.C. 1251 *et. seq.*

“Common plan of development or sale” means a site where multiple separate and distinct construction activities may be taking place at different times on different schedules, but still under a single plan. Examples include: phased projects and projects with multiple filings or lots, even if the separate phases or filings/lots will be constructed under separate contract or by separate owners (*e.g.* a development where lots are sold to separate builders); a development plan that may be phased over multiple years, but is still under a consistent plan for long-term development; and projects in a contiguous area that may be unrelated but still under the same contract, such as construction of a building extension and a new parking lot at the same facility. If the project is part of a common plan of development or sale, the disturbed area of the entire plan shall be used in determining permit requirements.

“Component” or “Program Component” means an element of the Stormwater Management Program listed in **S5** or **S6** of this Permit.

“Co-Permittee” means any operator of a regulated small MS4 that is applying jointly with another applicant for coverage under this Permit. A Co-Permittee owns or operates a regulated small MS4 located within or adjacent to another regulated MS4. A Co-Permittee is only responsible for complying with the conditions of this Permit relating to discharges from the MS4 the Co-Permittee owns or operates.

“Director” means the Director of the Washington State Department of Ecology, or an authorized representative.

“Discharge” for the purpose of this Permit means, unless indicated otherwise, any discharge from a MS4 owned or operated by a Permittee.

“Equivalent document” means a technical stormwater management manual developed by a state agency, local government or other entity that includes the Minimum Technical Requirements in **Appendix 2** of this Permit. The Department of Ecology may conditionally approve manuals that do not include the Minimum Technical Requirements in **Appendix 2**; in general, the Best Management Practices (BMPs) included in those documents may be applied at new development and redevelopment sites, but the Minimum Technical Requirements in **Appendix 2** must still be met.

“Existing Stormwater Discharge” means a discharge from a municipal separate storm sewer authorized before the effective date of this Permit, at the point where it discharges to

receiving waters. An existing stormwater discharge serves an area of existing development and does not include new stormwater sources or new stormwater outfalls

“40 CFR” means Title 40 of the Code of Federal Regulations, which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

“General Permit” means a permit which covers multiple dischargers of a point source category within a designated geographical area, in lieu of individual permits being issued to each discharger.

“Heavy equipment maintenance or storage yard” means an uncovered area where any heavy equipment, such as mowing equipment, excavators, dump trucks, backhoes, or bulldozers are washed or maintained, or where at least five pieces of heavy equipment are stored.

“Illicit connection” means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

“Illicit discharge” means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

“Large Municipal Separate Storm Sewer System” means all MS4s located in an incorporated place with a population of 250,000 or more, a County with unincorporated urbanized areas with a population of 250,000 or more according to the 1990 decennial census by the Bureau of Census.

“Low Impact Development” (LID) means a stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrologic functions.

“Material Storage Facilities” means an uncovered area where bulk materials (liquid, solid, granular, etc.) are stored in piles, barrels, tanks, bins, crates, or other means.

“Medium Municipal Separate Storm Sewer System” means all MS4s located in an incorporated place with a population of more than 100,000 but less than 250,000, or a county with unincorporated urbanized areas of more than 100,000 but less than 250,000 according to the 1990 decennial census by the Bureau of Census.

“Minimum Technical Requirements” means the definitions, thresholds, BMP selection process, and design, operation, and maintenance criteria for stormwater management that must be applied to new development and redevelopment projects regulated under this Permit. The Minimum Technical Requirements for this Permit are defined [Appendix 2](#).

“MS4” means Municipal Separate Storm Sewer System.

“MTRs” means Minimum Technical Requirements.

“Municipal Separate Storm Sewer” means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches,

manmade channels, or storm drains): (i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State Law) having jurisdiction over disposal of wastes, storm water, or other wastes, including special districts under State Law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) designed or used for collecting or conveying stormwater; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

“National Pollutant Discharge Elimination System” means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State Department of Ecology.

“New stormwater discharge” includes new stormwater sources and new stormwater outfalls.

“New stormwater outfall” means a MS4, at the point where it discharges to receiving waters, that is authorized after the effective date of this Permit, and is constructed at a location where a municipal separate stormwater discharge did not exist at the effective date of the permit. A new stormwater outfall may consist of new stormwater sources, existing stormwater sources, or a combination of new and existing stormwater sources. A new stormwater outfall does not include a replacement of an existing outfall, provided that the replacement does not increase the volume, flow rate, or pollutant load of the discharge, and discharges to the same water body at approximately the same location.

“New stormwater source” means any new development and redevelopment, as defined in [Appendix 2](#), that is: vested after the effective date of this Permit; increases the volume, flow rate, or pollutant load of the stormwater runoff from the site; and discharges to a MS4 owned or operated by the Permittee.

“NOI” means Notice of Intent.

“Notice of Intent” means an application or request for coverage under a General NPDES Permit pursuant to WAC 173-226-200.

“NPDES” means National Pollutant Discharge Elimination System.

“Outfall” means point source as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the State and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances which connect segments of the same stream or other waters of the State and are used to convey waters of the State.

“Permittee” means any Primary Permittee, Co-Permittee, or Secondary Permittee unless specifically stated otherwise for a particular section of this Permit.

“Physically interconnected” means that one MS4 is connected to a second MS4 in such a way that it allows for direct discharges to the second system. For example, the roads with

1 drainage systems and municipal streets of one entity are physically connected directly to a  
2 MS4 belonging to another entity.

3 “Primary Permittee” means a City or County owning or operating a regulated small MS4.

4 “Process wastewater” means any water which, during manufacture or processing, comes into  
5 direct contact with or results from the production or use of any raw material, intermediate  
6 product, finished product, by product, or waste product.

7 “Qualified Personnel” means staff members or contractors who have had professional training in  
8 the aspects of stormwater management for which they are responsible and are under the  
9 functional control of the Permittee.

10 “Regulated Small Municipal Separate Storm Sewer System” means a MS4 which is  
11 automatically designated for inclusion in the Phase II stormwater permitting program by its  
12 location within an Urbanized Area, or by designation by the NPDES permitting authority.

13 “Runoff” is water that travels across the land surface and discharges to water bodies either  
14 directly or through a collection and conveyance system. See also “Stormwater.”

15 “Secondary Permittee” is an operator of regulated small MS4 that is not a Primary Permittee or  
16 Co-Permittee. Secondary Permittees include special purpose districts and other MS4s that  
17 meet the criteria for a regulated small MS4 in [S1.B](#).

18 “Significant contributor” means a discharge contributes a loading of pollutants considered to be  
19 sufficient to cause or exacerbate the deterioration of receiving water quality or instream  
20 habitat conditions.

21 “Small Municipal Separate Storm Sewer System” or “Small MS4” is a MS4 which is not defined  
22 as a “large” or “medium” MS4 pursuant to 40 CFR 122.26(b)(4) & (7) or designated under  
23 40 CFR 122.26 (a)(1)(v). Small MS4s include systems similar to separate storm sewer  
24 systems in municipalities such as: universities, large publicly-owned hospitals, prison  
25 complexes, and highways and other thoroughfares. Storm sewer systems in very discrete  
26 areas such as individual buildings do not require coverage under this Permit. Small MS4s do  
27 not include storm drain systems operated by non-governmental entities such as: individuals,  
28 private schools, private colleges, private universities, and industrial and commercial entities.

29 “Stormwater” means runoff during and following precipitation and snowmelt events, including  
30 surface runoff and drainage.

31 “Stormwater Associated with Industrial Activity” means the discharge from any conveyance  
32 which is used for collecting and conveying stormwater, which is directly related to  
33 manufacturing, processing or raw materials storage areas at an industrial plant, and is  
34 required to have an NPDES permit in accordance with 40 CFR 122.26.

35 “Stormwater Management Manual for Eastern Washington” means the technical manual  
36 (Publication No. 04-10-076) published by the Department of Ecology in September 2004.

37 “Stormwater Management Program” means a set of actions and activities designed to reduce the  
38 discharge of pollutants from the regulated small MS4 to the maximum extent practicable and  
39 to protect water quality, and comprising the components listed in [S5](#) or [S6](#) of this Permit and  
40 any additional actions necessary to meet the requirements of applicable TMDLs.

41 “SWMMEW” means the Stormwater Management Manual for Eastern Washington.



1 “SWMP” means Stormwater Management Program.

2 “UA” means Urbanized Area.

3 “Urban Growth Area” means the designated area within which urban growth shall be encouraged  
4 and outside of which growth can occur only if it is not urban in nature, as defined at Chapter  
5 36.70A.110 RCW (Growth Management Act) Comprehensive plans, Urban growth areas.

6 “Urbanized Area” is a land area comprising one or more places and the adjacent densely settled  
7 surrounding area that together have a residential population of at least 50,000 and an overall  
8 population density of at least 1,000 people per square mile. For the year 2000 Census, the  
9 U.S. Census Bureau classified “urban” as all territory, population, and housing units located  
10 within an Urbanized Area (UA) or an Urban Cluster (UC). It delineated UA and UC  
11 boundaries to encompass densely settled territory, which consists of: core census block  
12 groups or blocks that have a population density of at least 1,000 people per square mile and  
13 surrounding census blocks that have an overall density of at least 500 people per square mile.  
14 In addition, under certain conditions, less densely settled territory may be part of each UA or  
15 UC. The U.S. Census Bureau announced the “Census 2000 Urbanized Areas” on May 1,  
16 2002. More information can be found at the U.S. Census Bureau website at:  
17 [http://www.census.gov/geo/www/ua/ua\\_2k.html](http://www.census.gov/geo/www/ua/ua_2k.html).

18 “Waters of the state” includes those waters as defined as “waters of the United States” in 40 CFR  
19 122.2 within the geographic boundaries of Washington State and “waters of the state” as  
20 defined in Chapter 90.48 RCW which includes: lakes, rivers, ponds, streams, inland waters,  
21 underground waters, salt waters and all other surface waters and water courses within the  
22 jurisdiction of the State of Washington.

23 “Water quality standards” means Surface Water Quality Standards, Chapter 173-201A WAC;  
24 Ground Water Quality Standards, Chapter 173-200 WAC; and Sediment Management  
25 Standards, Chapter 173-204 WAC.